

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ARABEL AVELAR and RUDECINDA GUARDADO, Plaintiffs, v. Los Angeles County et al., Defendants.	Case No. LA CV 16-00471-VBF-AGR ORDER Adopting the R & R (Document 237): Granting Document Nos. 200 and 204 Granting Document Nos. 207 and 216 Denying Sanctions Motion (Doc 212) Denying Document No. 220 as Moot Directing Entry of Separate Judgment & Terminating the Case (JS-6)
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The Court reviewed the August 31, 2018 Fourth Amended Complaint (“4AC”) CM/ECF Document (“Doc”) 198; the Fed. R. Civ. P. 12(b)(6) motion to dismiss filed by Optimist Foster Family Agency on September 10, 2018 (Doc 200); and the Fed. R. Civ. P. 12(b)(6) motion to dismiss filed by Los Angeles Unified School District (“LAUSD”) (Doc 204) on September 14, 2018. The Court further reviewed Public Defender Shante Sylvester Fed. R. Civ. P. 12(b)(6) motion filed on September 18, 2018 (Doc 207) and her October 16, 2018 motion for sanctions (Doc 212); as well as the Fed. R. Civ. P. 12(b)(6) motion to dismiss filed by the County of Los Angeles and the DCFS defendants on October 24, 2018 (Doc 220). Plaintiffs have never responded to any of these motions to dismiss despite the Magistrate Judge’s repeated sua sponte extensions and accommodations.

Finding no error of law, fact, or logic in the R&R, the Court will accept the Magistrate Judge's factual findings and legal conclusions and implement her recommendations.

## ORDER

The March 25, 2019 Report and Recommendation [Doc # 237] is ADOPTED.

Optimist Foster Family Agency's unopposed September 10, 2018 Fed. R. Civ. P. 12(b)(6) motion to dismiss the 4AC **[Doc #200]** is **GRANTED**.

LAUSD's September 14, 2018 motion to dismiss the 4AC [Doc #204] is GRANTED.

Sylvester's motion to strike her name from the 4AC [Doc #207] is GRANTED.

Sylvester's October 16, 2018 motion for sanctions [Doc #212] is DENIED.

The unopposed motion to dismiss the 4AC filed on October 17, 2018 by the County of Los Angeles and the DCFS defendants **[Doc #216] is GRANTED.**

The unopposed motion to dismiss deceased defendant Gary D. Roberts (DCFS Social Worker Supervisor in his official capacity) filed on October 17, 2018 by the County of Los Angeles and the DCFS defendants **[Doc #220]** is **DENIED as moot**.

**All claims against all defendants are DISMISSED with prejudice, i.e, with NO further leave to amend.**

Final judgment shall be entered consistent with this Order. As required by Fed. R. Civ. P. 58(a), the judgment will be entered as a separate document.

The case is hereby **TERMINATED (JS-6)** and closed.

IT IS SO ORDERED.

Dated: July 25, 2019

Valerie Baker Fairbank

Hon. Valerie Baker Fairbank

## Senior United States District Judge